

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	09/942,976
		Filing Date	August 29, 2001
		First Named Inventor	David YEE
		Art Unit	3746
		Examiner Name	E. Gartenberg
Total Number of Pages in This Submission	3	Attorney Docket Number	220772009200

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply (2 pages) <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): Return Receipt Postcard
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	MORRISON & FOERSTER LLP (Customer No.: 25226)		
Signature			
Printed name	Christopher B. Eide		
Date	August 9, 2005	Reg. No.	48,375

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV544975027US, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.	
Dated: August 9, 2005	Signature: (Georgina Matos)

8-11-05

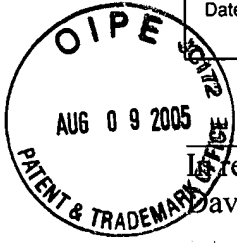
3746
m

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV544975027US, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: August 9, 2005

Signature: Georgina Matos
(Georgina Matos)

Docket No.: 220772009200
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Large Patent Application of:
David YEE et al.

Application No.: 09/942,976

Confirmation No.: 7671

Filed: August 29, 2001

Art Unit: 3746

For: CONTROL STRATEGY FOR FLEXIBLE
CATALYTIC COMBUSTION SYSTEM

Examiner: E. Gartenberg

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the non-final Office Action dated July 11, 2005 (Paper No. 07072005), for which a response is due on August 11, 2005. Accordingly, this response is timely filed.

The Examiner has required restriction between the following species as required under 35 U.S.C. §121:

Figures 1, 9A and 9B

The Examiner has also required restriction between the follow sub-species as required under 35 USC §121:

Figures 2, 6, 6B, 7, and 8

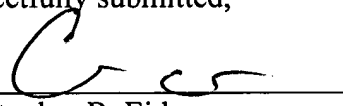
Applicants provisionally elect the species of Figure 1, noting that generic claims in this case are present. Applicants submit that Claims 1-11 and 24-70 are readable on the species of Figure 1 and further that at least claims 1, 6, 24, 29, and 47 are generic to all species. Applicants also elect the sub-species of Figure 6. Applicants submit that Claims 29-47 and 51-74 are readable upon the species of Figure 6. Examination on the merits of the elected subject matter is hereby respectfully requested.

Applicant expressly reserves the right under 35 U.S.C. §121 to file a divisional application directed on the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing (220772009200). However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: August 9, 2005

Respectfully submitted,

By 
Christopher B. Eide

Registration No.: 48,375
MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, California 94304-1018
(650) 813-5720